

Land Disclosure Affidavit Required By A.R.S. §33-422

Pursuant to A.R.S. §33-422, a seller OF FIVE OR FEWER PARCELS OF LAND OTHER THAN SUBDIVIDED LAND IN AN UNINCORPORATED AREA OF A COUNTY, and any subsequent seller of such a parcel, shall furnish a written affidavit of disclosure to the buyer at least seven days before the transfer of the property. The buyer shall acknowledge receipt of the affidavit. The buyer has the right to rescind the sales transaction for a period of five days after receipt of the affidavit of disclosure. The seller must record the executed affidavit of disclosure at the same time that the deed is recorded.

Two statutes are referred to in the Affidavit of Disclosure; 42 United States Code §300f, a Federal Statute, and A.R.S. § 11-809, an Arizona Statute. The seller should review these statutes before completing the Affidavit. Additionally, the seller should explain or qualify any of the disclosures in the space provided, or if additional space is required, on an addendum to the Affidavit.

NO RELEASE OR WAIVER OF A SELLER'S LIABILITY ARISING OUT OF ANY OMISSION OR MISREPRESENTATION CONTAINED IN AN AFFIDAVIT OF DISCLOSURE IS VALID OR BINDING ON THE BUYER.

ADDITIONAL DISCLOSURES WILL BE NECESSARY. THE AFFIDAVIT REQUIRED BY A.R.S. §33-422 SHOULD BE USED IN CONJUNCTION WITH THE APPROPRIATE SPDS OR ANY OTHER SELLER DISCLOSURE DOCUMENTATION.

The following Affidavit of Disclosure is designed to be in recordable form and to contain the information required by A.R.S. §33-422.

This information is not definitive legal advice. Transmission of this information is not intended to create, and receipt does not constitute, an attorney-client relationship. You should not act upon this information without seeking independent legal counsel. If you desire legal advice, please contact your own attorney.

WHEN RECORDED MAIL TO:

AFFIDAVIT OF DISCLOSURE
PURSUANT TO A.R.S. § 33-422

I, _____ (“Seller(s)”) being duly sworn, hereby make this
Affidavit of Disclosure relating to the real property situated in the unincorporated area of:
_____ County, State of Arizona, located at:

_____ and legally described as:

(Legal Description attached hereto as Exhibit “A”)

(“Property”).

1. There ☐ is ☐ is not... legal access to the Property, as defined in A.R.S. § 11-809. ☐ Unknown

Explain: _____

2. There ☐ is ☐ is not... physical access to the Property. ☐ Unknown

Explain: _____

3. There ☐ is ☐ is not... a statement from a licensed surveyor or engineer available stating whether the
Property has physical access that is traversable by a two-wheel drive passenger motor vehicle.

4. The legal and physical access to the Property ☐ is ☐ is not... the same. ☐ Unknown ☐ Not applicable

Explain: _____

***IF ACCESS TO THE PARCEL IS NOT TRAVERSABLE BY EMERGENCY VEHICLES, THE
COUNTY AND EMERGENCY SERVICE PROVIDERS MAY NOT BE HELD LIABLE FOR ANY
DAMAGES RESULTING FROM THE INABILITY TO TRAVERSE THE ACCESS TO PROVIDE
NEEDED SERVICES.***

5. The road(s) is/are ☐ publicly maintained ☐ privately maintained ☐ not maintained ☐ not applicable.
If applicable, there ☐ is ☐ is not...a recorded road maintenance agreement.

IF THE ROADS ARE NOT PUBLICLY MAINTAINED, IT IS THE RESPONSIBILITY OF THE PROPERTY OWNER(S) TO MAINTAIN THE ROADS AND ROADS THAT ARE NOT IMPROVED TO COUNTY STANDARDS AND ACCEPTED FOR MAINTENANCE ARE NOT THE COUNTY'S RESPONSIBILITY.

6. A portion or all of the Property ☐ is ☐ is not...located in a FEMA designated regulatory floodplain.

IF THE PROPERTY IS IN A FLOODPLAIN, IT MAY BE SUBJECT TO FLOODPLAIN REGULATION.

7. The following services are currently provided to the Property: ☐ water ☐ sewer ☐ electric
☐ natural gas ☐ single party telephone ☐ cable television services.

8. The Property is served by ☐ a private well ☐ a shared well ☐ no well.

If served by a shared well, the shared well ☐ is ☐ is not...a public water system, as defined by the Safe Drinking Water Act (42 United States Code § 300f).

9. The Property ☐ does have ☐ does not have...an onsite wastewater treatment facility (i.e., standard septic or alternative system to treat and dispose of wastewater). ☐ Unknown.

If applicable: a) the Property ☐ will ☐ will not...require installation of an onsite wastewater treatment facility;

b) the on-site wastewater treatment facility ☐ has ☐ has not... been inspected

10. The Property ☐ has been ☐ has not been...subject to a percolation test. ☐ Unknown

11. The Property ☐ does ☐ does not...meet the minimum applicable county zoning requirements of the applicable zoning designation.

12. The sale of the Property ☐ does ☐ does not... meet the requirements of A.R.S. § 11-809 regarding land divisions.

IF THOSE REQUIREMENTS ARE NOT MET, THE PROPERTY OWNER MAY NOT BE ABLE TO OBTAIN A BUILDING PERMIT. The seller or property owner shall disclose each of the deficiencies to the buyer.

Explain: _____

This Affidavit of Disclosure supercedes any previously recorded Affidavit of Disclosure.

I certify under penalty of perjury that the information contained in this affidavit is true, complete and correct according to my best belief and knowledge.

Dated this _____ day of _____ by:
(DATE) (YEAR)

Seller's name (print): _____ Signature: _____

Seller's name (print): _____ Signature: _____

STATE OF ARIZONA)
)
County of _____) ss.

This Affidavit of Disclosure was SUBSCRIBED AND SWORN before me this _____ day of _____,
(DATE) (YEAR)

by _____

My commission expires: _____ Notary Public

Buyer(s) hereby acknowledges receipt of a copy of this Affidavit of Disclosure this

_____ day of _____
(DATE) (YEAR)

Buyer's name (print): _____ Signature: _____

Buyer's name (print): _____ Signature: _____